

CHAPTER 4.**LEGISLATIVE COUNSEL****ARRANGEMENT OF SECTIONS****Section**

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An Act to provide for the establishment of the office of the Legislative Counsel, and for other matters connected therewith or incidental thereto. [Section numbering style modified to reflect new format [Rev2003]

Commencement: November 18, 1981
Source: P.L. 1981-17

§401. Short title.

This Act may be cited as the "Legislative Counsel Act 1981". [P.L. 1981-17, §1.]

§402. Appointment of the Legislative Counsel.

- (1) There shall be a Legislative Counsel, who shall be a member of the Public Service.
- (2) No appeal by any member of the Public Service lies against the promotion or appointment of any person as the Legislative Counsel. [P.L. 1981-17, §2.]

§403. Legislative Counsel to act as attorney.

(1) In the performance of his functions the Legislative Counsel shall act as attorney in accordance with the rules and conventions relating to the performance of functions of an attorney, and in particular shall not, without the consent of the member of the Nitijela concerned, reveal the contents or nature of any request for services made by such member, or the nature of any advice given to such member.

(2) No question of a conflict of interest shall be deemed to arise out of the fact that the Legislative Counsel performs functions for a number of members of the Nitijela, committees of the Nitijela, the Cabinet or members of the Cabinet at the same time. [P.L. 1981-17, §3.]

§404. Responsibility of the Legislative Counsel.

The Legislative Counsel is responsible to the Nitijela, through the Speaker, for the proper performance of his functions and those of any staff subordinate to him. [P.L. 1981-17, §4.]

§405. Functions of the Legislative Counsel.

(1) The functions of the Legislative Counsel are:

- (a) to draft Bills, resolutions and other process for members of the Nitijela;
- (b) to render legal services to committees of the Nitijela or to members of the Nitijela in their official capacities, on request;
- (c) to undertake legal and other research as requested by the Speaker, the Nitijela or a committee or member of the Nitijela;
- (d) subject to his other responsibilities to the Nitijela, to provide legislative services to the Cabinet and to members of the Cabinet, on request;
- (e) to prepare with each Bill an explanation of the Bill, for distribution with it;
- (f) to advise the Nitijela and the Cabinet from time to time of needed revisions of the law;
- (g) to report to the Nitijela or to the Cabinet any laws that have become obsolete or inoperative, or which are in conflict with other laws or decisions of courts or with resolutions of the Nitijela, with his recommendations; and
- (h) such other functions as are conferred or imposed on him by any other law or by the Speaker or the Nitijela.

(2) The Legislative Counsel shall perform his functions, as required, both when the Nitijela is in session and when it is not.

(3) The Legislative Counsel may perform his functions either personally or through staff subordinate to him, but he shall remain responsible at all times. [P.L. 1981-17, §5.]

§406. Restrictions.

(1) The Legislative Counsel shall not:

- (a) urge or oppose any legislative or other proposal, or lobby on behalf of any member of the Nitijela or any legislative or other proposal;
- (b) give legal advice to any person, firm or corporation otherwise than as provided in Section 405 of this Act, except with the permission of the Speaker; and
- (c) during his employment be associated or interested in the private practice of law, or be personally and actively engaged in any other business for profit in the Republic, except with the permission of the Speaker.

(2) Subsection (1)(a) of this Section does not prevent the Legislative Counsel from giving his opinion or recommendation, on request, concerning any legislative or other proposal, to the Speaker, the Nitijela, a committee or member of the Nitijela, or the Cabinet or a member of the Cabinet. [P.L. 1981-17, §6.]

§407. Application of this Act.

(1) This Act is not intended to prevent, and does not prevent, the Speaker, a committee or member of the Nitijela or the Cabinet or a member of the Cabinet from obtaining legal and other advice and assistance from any person other than the Legislative Counsel.

(2) Sections 403 through 406 of this Act apply to a Legislative Counsel appointed before the effective date of this Act as well as to one appointed afterward. [P.L. 1981-17, §7.][section references here re-numbered to reflect new numbering style]

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